IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9982 of 2007

Dated: September 21, 2007

Between:

M/s. Sagar Touring Talkies, Ananthasagaram Village and Mandal, Nellore District, rep. by its Owner Rapuru Pitchi Reddy, aged about 62 years.

… Petitioner

And

The Southern Power Distribution Co. Ltd., Nellore, Nellore District, and others.

… Respondents

Order:

This writ petition has been filed questioning the notice dated 19-09-2006, issued by the third respondent, Assistant Accounts Office, Sub-Electricity Revenue Officer, Atmakur, Nellore District, demanding an amount of Rs.30,000/- from the petitioner, a Touring Talkies situated at Ananthasagaram Village and Mandal, Nellore District.

2. Heard learned counsel for the petitioner and Sri O. Manoher Reddy, learned Standing Counsel appearing for the respondents.

3. In the affidavit filed in support of the writ petition, it is stated that petitioner-theatre, which was availing power supply from the respondent-company vide Service Connection No.310, was closed down with effect from 20-01-2000 and there are no dues to be cleared. The case of the petitioner is that it has received letter dated 25-03-2006 from the third respondent to pay Rs.30,000/- towards arrears to the respondent-company. It is alleged that though representation dated
18-05-2006 was submitted to the respondents requesting them to give details of the arrears mentioned in the aforesaid letter, there was no response, however, the impugned notice has been issued demanding to pay Rs.30,000/- within three months therefrom.

4. The Superintending Engineer (Operation) Nellore, has filed counter affidavit stating that petitioner has committed default in payment of electricity charges right from August, 1997 and hence service connection was disconnected in December, 1999 and issuance of bills was also stopped from April, 2000. It is stated that as an amount of Rs.30,000/- is due from the petitioner from 31-03-2000, notice was issued requesting it to pay the arrears and as per the request of the petitioner dated 28-05-2006, details of arrears were furnished on
05-08-2006. It is further stated that though such details were furnished, petitioner failed to pay the arrears and hence notice dated 28-06-2006. It is also stated that a legal notice dated 27-07-2006 was received by petitioner's Advocate and the details of arrears were also furnished to him by letter dated 05-08-2006.

5. The allegation of the petitioner that no details of the arrears payable to the respondent-company have been furnished by the

respondents has been answered by the respondents in the counter affidavit stating that details have been furnished to the petitioner and also to his Advocate on 05-08-2006. Though learned counsel for the petitioner submits that no details have been furnished, there is no reason at all to disbelieve the averments made by the respondents in the counter affidavit and no reply affidavit is also filed controverting the said averments. Hence, I do not find any illegality in the action of the respondents in issuing the impugned notice demanding the petitioner to pay arrears on account of consumption charges.

6. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 21, 2007
MRR